

REMARKS

This is in response to the Official Action currently outstanding with respect to the above-identified application.

Claims 1-15 and 38-60 were pending at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Claims 11, 13 and 15 have been amended. Claim 10 has been canceled, without prejudice, and its subject matter transferred to New Claim 61 in order that the subject matter of Claim 10 appears in the correct sequence (i.e., after all of the claims upon which it depends, namely, Claims 1-2 and 43-51). No other claims have been canceled, added or withdrawn by the foregoing Amendment. Accordingly, upon the entry of the foregoing Amendment, Claims 1-9, 11-15 and 38-61 will constitute the claims under active prosecution in the above-identified application.

The claims of this application as they will stand upon the entry of the foregoing Amendment are set forth above including appropriate designations of the changes being made and also with appropriate status identifiers as required by the Rules.

More particularly, in the currently outstanding Official Action the Examiner has:

1. Failed to acknowledge Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f) and the receipt by the United States Patent and trademark Office of the required certified copies of the priority documents – **Applicants respectfully note for the record in this regard that Applicants' claim for foreign priority was acknowledged in the parent application of this case and that the Examiner in the parent case has confirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents.**

2. Failed to acknowledge or approve the formal drawings filed in this case on 21 October 2003 – **Applicants respectfully note for the record in this regard that copies of those same drawings were previously approved in the parent application of this case.**
3. Acknowledged Applicants' Information Disclosure Statements of 15 December 2006, 24 April 2006, 4 May 2004, 31 March 2004 and 23 October 2003 by providing Applicants with appropriately signed, dated and initialed copies of the Forms PTO-1449 and/or PTO/SB/08a/b that accompanied those Statements in confirmation of his consideration of the documents listed therein.
4. Objected to Claim 10 on the basis that it is in improper form as being a multiple dependent claim dependent upon another multiple dependent claim (see 37 CFR 1.75(c)) and indicated that that claim has not been treated on its substantive merits for that reason – **By the foregoing Amendment, Applicants have canceled Claim 10 and restated it as Claim 61 and also have amended the wording thereof so as no to depend upon any other multiple dependent claim and respectfully request substantive consideration of new Claim 61.**
5. Rejected claims 11 and 13 (and presumably Claim 15 as well) under 35 USC §112 second paragraph on the basis (i) that it is common to refer to words as being complex in the English language based upon their difficulty to pronounce or comprehend, rather than according to the number of strokes that are necessary to form the word and (ii) that it is unclear whether the limitation(s) following the word “complexity” are part of the claimed invention.

6. Rejected claims 1-10, 14 and 38-51 under 35 USC §102(a) as being anticipated by WUMM 2 (WYNN, www.freedomscientific.com/LSG/downloads/InDepthWyNN2.txt).
7. Rejected claims 11-13, 15 and 52-60 under 35 USC §103(a) as being unpatentable over WYNN, in view of Walker (US Patent No. 6,279,017 B1).

Further comment regarding items 1-4 above is not deemed to be required in these Remarks.

With respect to item 5, Applicants have amended the reference to the word “complexity” in Claims 11, 13 and 15 to read -- the complexity of characteristics of the data being displayed -- and respectfully submit that these amendments remove the bases of the Examiner’s currently outstanding rejections under 35 USC 112.

More specifically, the Examiner has rejected claims 11 and 13 (presumably meaning to include Claim 15 that contains similar wording as well) under 35 USC §112, second paragraph, on the basis that while the specification discloses word complexity by the number of strokes in a displayed kanji character, it is common to refer to words as being complex in the English language based upon their difficulty to pronounce or comprehend thereby introducing uncertainty as to whether the limitation(s) following the word “complexity” in Claims 11, 13 and 15 are part of the claimed invention. Applicants respectfully do not agree with the Examiner because each of the claims in question is clearly and definitely directed to the complexity of the data, not specifically to the complexity of English language (or other language) words.

Nevertheless, in the interest of advancing the current prosecution, Applicants have elected to propose the foregoing clarifying amendment. In this regard, Applicants respectfully direct the Examiner's attention to the fact that the concept intended being claimed by this wording is not limited to the geometric complexity of the particular word or image, but rather extends to the number of bits contained in the data, the number of colors in the image, the number of gradation levels involved and so on as set forth at Page 41, first paragraph of the present specification. In this respect the Examiner's attention also is called to the fact that the specification repeatedly refers to the "plurality of elements" contained in the data. Accordingly, Applicants respectfully submit that the wording proposed for the clarification of Claims 11, 13 and 15 in response to the Examiner's outstanding rejection is fully supported in the original specification and specifically is not to be considered as being limited to the geometrical complexity of a particular character or word in any language.

A decision withdrawing the currently outstanding rejections under 35 USC 112, second paragraph, in view of the foregoing Amendment and Remarks in response to this submission, therefore, is respectfully requested.

With respect to items 7 and 8 above, Applicants respectfully notes that the Freedom Scientific WYNN publication relied upon heavily by the Examiner in his rejections carries a copyright date of 1998 (see page 58, second paragraph from the bottom). Otherwise, that publication does not indicate when it was published and available to the public in the United States or elsewhere. The significance of these facts is that Applicants' foreign priority dates in this case all are prior to the end of March 1998. Thus, if the WYNN publication was not published and available to the public anywhere prior to Applicants' foreign earliest priority date and Applicants perfect their foreign priority claim by the submission of a verified English language translation of their foreign priority documents, the WYNN publication would have to be withdrawn as a reference against this application.

In reviewing this situation, Applicants have found a press release dated 22 June 1998 (copy enclosed from <http://www-03.ibm.com/press/us/en/pressrelease/2586.wss>) that indicates that the WYNN software for which the WYNN publication relied upon by the Examiner is the manual was first announced to the public on 22 June 1998 in San Diego some three months after Applicants' earliest foreign priority date and some two and one-half months after Applicants' latest foreign priority date. Accordingly, in the absence of any indication to the contrary, Applicants respectfully submit that the WYNN publication upon which the Examiner relies to reject the currently pending claims of this application was not available to the public anywhere in the world prior to the foreign priority dates to which this application is entitled.

In view of the foregoing, Applicants also are submitting herewith verified English language translations of the priority documents for this application (i.e., Japanese patent applications Nos. 10-071569 of 20 March 1998; 10-078757 of 26 March 1998, and 10-085400 of 31 March 1998) in perfection of their claim for foreign priority and in support of the foregoing argument for the withdrawal of the WYNN publication as a reference against the present application.

Accordingly, in the absence of any information showing otherwise, Applicants respectfully submit that the WYNN publication relied upon by the Examiner is not a proper reference against the claims of this application and that the currently outstanding rejections based thereon should be withdrawn in response to this submission. A decision so holding is respectfully requested.

In view of the foregoing Amendment and Remarks, Applicants respectfully submit that all of the currently outstanding objections and rejections against the claims of this application have been overcome. Hence, Applicants respectfully submit that this application is now in condition for allowance and respectfully request a decision so holding in response to this submission.

Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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IBM and Arkenstone Debut Software to Help People With Dyslexia Meet Reading Challenges

SAN DIEGO - 22 Jun 1998: . . . Today at the National Education Computing Conference IBM* and Arkenstone, Inc., announced new software to help the estimated 7 to 50 million Americans with dyslexia read more effectively. Named WYNN*, for "What You Need Now," the easy-to-use application is the most comprehensive software reading and study tool available for people who suffer from dyslexia and other reading and comprehension challenges.

Using speech technology from IBM, "What You Need Now" can read electronic text aloud to the users, as well as spell and define words. Through a microphone that is included with the software users can insert voice notes into an electronic document. By simultaneously viewing the text and hearing it read aloud, people with dyslexia or other reading challenges can take advantage of both auditory and visual skills to better comprehend the material.

"What You Need Now" lets the users easily modify or customize the information on the screen by increasing the size, changing the character and word spacing or changing the colors of the information. By allowing for customization of the information on their screen, users can enhance their visual skills to better meet individual reading challenges.

"As an IBM Independent Series* Partner Solution, WYNN is an important addition to our software solutions for people with special needs," said Robert B. Mahaffey, special needs systems product planner, IBM. "With so many people facing reading challenges in our school systems as well as the workplace, we believe it is vital to provide PC software tools that will help them improve their reading and comprehension skills."

"What You Need Now" is an effective, easy-to-use reading or study aid because it allows the users to view both electronic and scanned pages, such as textbook pages or documents, which retain their original page layout. Through WYNN's Optical Character Recognition (OCR) feature users can scan printed documents into the application for viewing and modifying using common industry optical scanning hardware that is supported by the product. For users who do not require material to be scanned into the application, WYNN Reader is also available without the OCR, or scanning, feature.

"During the past few years, we've been developing WYNN with the assistance of people with dyslexia as well as educators across the nation. WYNN is the culmination of our research into what people with dyslexia need in a software tool," said Roberta G. Brosnahan, chief operating officer, Arkenstone. "Although WYNN is designed to help those computer users with a diagnosed learning disability, the software will also serve as a good tool for anyone who finds reading difficult."

The National Institutes of Health estimates that approximately 15 percent of the U.S. population is affected by learning disabilities, including reading and comprehension disabilities such as dyslexia, which results from differences in the structure and function of the brain. In addition, the

British Dyslexic Association estimates that 4% of the population of the U.K. is severely affected by dyslexia. Common characteristics of dyslexia include lack of awareness of sounds in words, problems with reading comprehension and spelling, and difficulty learning and remembering printed words. WYNN was specifically designed to help children as well as adults compensate for these problems.

System Requirements, Pricing and Availability

"What You Need Now" is immediately available through Arkenstone, Inc. in U.S. English in many countries worldwide. Arkenstone's suggested retail price*** in the United States for WYNN Reader is \$399.; WYNN OCR, which includes the technology to support industry scanning hardware is \$995. School systems can purchase site licenses for multiple copies of WYNN. Special upgrade pricing is available to school systems and individuals using other Arkenstone reading software, such as Open Book. To purchase WYNN, customers can contact Arkenstone, Inc. at 800-444-4443 or 408-245-5900 to locate the nearest authorized dealer.

WYNN runs on an IBM or IBM-compatible Pentium personal computer running Microsoft Windows 95, Windows 98 or Windows NT 4.0 or higher, VGA video cards and monitor with 640 x 480 resolution and 256 color mode. Memory requirements include 16 megabytes of RAM (32 MB RAM recommended for Windows 95, 64 MB RAM recommended for Windows NT) and 45 MB of available hard disk space. For speech capabilities, a Sound Blaster or 100 percent compatible sound card is required.

About Arkenstone, Inc.

Arkenstone is a nonprofit organization dedicated to developing and distributing products to help persons who have visual and reading impairments. Arkenstone products are distributed in the U.S. and abroad by a network of more than 100 dealers who have experience helping persons who have visual impairments. Arkenstone also provides information directly to people with disabilities through its 800 number which supports the U.S. and Canada. Arkenstone, Inc. is located in Sunnyvale, California and can be reached at 800-444-4443; 408-245-5900; TTY 800-833-2753; or on the Internet at <http://www.arkenstone.org>.

About IBM Software

IBM is the world's largest information technology company, with 80 years of leadership in helping businesses innovate. IBM Software offers the widest range of applications, middleware and operating systems for all types of computing platforms, allowing customers to take full advantage of the new era of e-business. The fastest way to get more information about IBM software is through the IBM Software home page at <http://www.software.ibm.com>. For information on IBM Special Needs Systems Solutions visit <http://www.austin.ibm.com/sns/>

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**WYNN is a trademark of Arkenstone, Inc.

***All prices listed are the manufacturer's suggested retail price. Reseller prices may vary.

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